

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of )  
 )  
PAPPAMAL WELLINGTON KURIAN )  
 )  
Licensee of Industrial/Business Pool Station )  
WPYC727, Fort Worth, Texas )

**ORDER OF MODIFICATION**

**Adopted: December 3, 2007**

**Released: December 4, 2007**

By the Deputy Chief, Mobility Division, Wireless Telecommunications Bureau:

1. *Introduction.* In this *Order of Modification*, we modify the license of Pappammal Wellington Kurian (Kurian) for Industrial/Business Pool Private Land Mobile Radio Station WPYC727, licensed by replacing frequency pair 483/486.575 MHz with frequency pair 483/486.150 MHz. As explained below, we take this action pursuant to an earlier order proposing to modify Kurian's license.<sup>1</sup>

2. *Background.* In 1997, the Commission directed the certified frequency coordinators for the private land mobile radio services to reach a consensus on the applicable coordination procedures for the 12.5 kHz "offset" channels in the 470-512 MHz band.<sup>2</sup> That consensus is embodied in the Land Mobile Communications Council (LMCC) procedures for evaluating adjacent channel interference in the 470-512 MHz band using the interference criteria of TIA/EIA/TSB-88<sup>3</sup> (TSB-88).<sup>4</sup> The LMCC Consensus provides that an application shall not be certified if an incumbent or the applicant has unacceptable interference of more than five percent reduction of the calculated service area reliability.<sup>5</sup>

3. The license for Station WPYC727, Fort Worth, Texas, authorizes operation on frequency pair 483/486.575 MHz. The application was coordinated by the Personal Communications Industry Association (PCIA)<sup>6</sup> on May 2, 2003, and granted on May 5, 2003.<sup>7</sup> On September 23, 2004, Net Wave

<sup>1</sup> See Pappammal Wellington Kurian, *Order Proposing Modification*, 22 FCC Rcd 14002 (WTB MD 2007) (*Order Proposing Modification*).

<sup>2</sup> See Replacement of Part 90 by Part 88 to Revise the Private Land Mobile Radio Services and Modify the Policies Governing Them and Examination of Exclusivity and Frequency Assignment Policies of the Private Land Mobile Services, *Second Report and Order*, PR Docket No. 92-235, 12 FCC Rcd 14307, 14330-31 ¶ 43 (1997).

<sup>3</sup> See Telecommunications Industry Association/Electronics Industry Association Telecommunications Systems Bulletin 88 (TIA/EIA/TSB-88), *Wireline Communications System – Performance in Noise and Interference-Limited Situations - Recommended Methods for Technology-Independent Modeling, Simulation, and Verification* (January 1998).

<sup>4</sup> See Filing Freeze to Be Lifted for Applications Under Part 90 for 12.5 kHz Offset Channels in the 421-430 and 470-512 MHz Bands, *Public Notice*, 13 FCC Rcd 5942, 5942 (WTB 1997) (citing Letter from Larry A. Miller, President, LMCC, to Daniel B. Phythyon, Esq., Acting Chief, Wireless Telecommunications Bureau (Sept. 10, 1997) (LMCC Consensus)).

<sup>5</sup> See LMCC Consensus, Attachment at 2. The LMCC later confirmed this position. See Letter dated Oct. 13, 2003 from Larry A. Miller, President, LMCC to D'Wana Terry, Chief, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau.

<sup>6</sup> PCIA Frequency Coordination No. PC20030630003.

Communications LLC (Net Wave) asked that the license for Station WPYC727 be revoked on the grounds that the coordination was defective because Net Wave's Station WPXR837, Rhome, Texas, operating on adjacent channel 483/486.5625 MHz was suffering more than five percent signal degradation.<sup>8</sup>

4. After staff engineers of the Wireless Telecommunications Bureau's former Public Safety and Critical Infrastructure Division (PSCID)<sup>9</sup> conducted an independent analysis and determined that Station WPYC727 creates over seven percent new interference to Station WPXR837, PSCID directed PCIA to indicate whether an alternative frequency was available for Station WPYC727, and asked if the licensee would be willing to modify the license in accordance with PCIA's recommendation.<sup>10</sup> On March 1, 2007, PCIA recommended frequency pair 483/486.150 MHz as a replacement channel.<sup>11</sup> This frequency pair satisfies the interference criteria of TSB-88 with respect to adjacent channel licenses.<sup>12</sup> Consequently, we proposed to modify the license for Station WPYC727 by replacing frequency pair 483/486.575 MHz with frequency pair 483/486.150 MHz.<sup>13</sup>

5. *Discussion.* The *Order Proposing Modification* was released on August 1, 2007. Kurian did not protest the proposed modification of her license within the requisite thirty-day time frame,<sup>14</sup> but later stated that she did not object to the proposed modification.<sup>15</sup> Accordingly, Kurian is deemed to have consented to the proposed modification. Based on the record before us, we conclude that it is in the public interest to modify Kurian's station license for Station WPYC727 by replacing frequency pair 483/486.575 MHz with frequency pair 483/486.150 MHz.

---

(...continued from previous page)

<sup>7</sup> See FCC File No. 0001298249 (filed May 4, 2003). The license was initially granted to Aftab Umar, *see id.*, who subsequently assigned it to Samuel Moses PR, *see* FCC File No. 0001892069 (filed Oct. 5, 2004), who subsequently assigned it to Kurian, *see* FCC File No. 0002292286 (filed Aug. 26, 2005).

<sup>8</sup> Letter dated September 23, 2004 from Lynn Beagles, President, Net Wave Communications, LLP to Michael Wilhelm, Chief, Public Safety and Critical Infrastructure Division, Wireless Telecommunications Bureau.

<sup>9</sup> Pursuant to a Commission reorganization effective September 25, 2006, certain duties of the Public Safety and Critical Infrastructure Division were assumed by the Mobility Division. *See* Establishment of the Public Safety and Homeland Security Bureau, *Order*, 21 FCC Rcd 10867 (2006).

<sup>10</sup> *See* Letter dated November 22, 2005, from Scot Stone, Deputy Chief, Public Safety and Critical Infrastructure Division, Wireless Telecommunications Bureau to Don Andrew, Personal Communications Industry Association.

<sup>11</sup> *See* Letter dated March 1, 2007, from Don Andrew, Manager, PCIA Frequency Coordination Services to Melvin Spann, Federal Communications Commission, WTB, Public Safety and Critical Infrastructure Division. PCIA initially responded only that it was "prepared to file an FCC Form 601 application along with an attachment containing the required letters of consent to modify WPYC727," without identifying a potential replacement channel. *See* Letter dated December 19, 2005, from Don Andrew, Manager, PCIA Frequency Coordination Services to Melvin Spann, Federal Communications Commission, WTB, Public Safety and Critical Infrastructure Division. The Wireless Telecommunications Bureau's Mobility Division then sent a follow-up letter to PCIA directing it to provide an alternative technical solution. *See* Letter dated January 31, 2007, from Scot Stone, Deputy Chief, Public Safety and Critical Infrastructure Division, Wireless Telecommunications Bureau to Don Andrew, Personal Communications Industry Association.

<sup>12</sup> The channel does not satisfy the interference criteria of TSB-88 with respect to Station WPTS208, Plano, Texas, but that station is also licensed to Kurian.

<sup>13</sup> *See Order Proposing Modification*, 22 FCC Rcd at 14003 ¶ 6. We concluded that modifying the license would serve the public interest by eliminating harmful interference to Station WPXR837.

<sup>14</sup> *See* 47 C.F.R. § 1.87(g)(1).

<sup>15</sup> *See* Letter dated Sept. 10, 2007 from Pappamal Kurian, Spectrum Wireless LLC, to Scot Stone, Deputy Chief, Mobility Division, Wireless Telecommunications Bureau.

6. *Conclusion and Ordering Clauses.* Accordingly, IT IS ORDERED, pursuant to Sections 4(i) and 316(a) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 316(a), and Section 1.87 of the Commission's Rules, 47 C.F.R. § 1.87, that the license for Industrial/Business Pool Private Land Mobile Radio Station WPYC727, Fort Worth, Texas, held by Pappamal Wellington Kurian, BE MODIFIED by replacing frequency pair 483/486.575 MHz with frequency pair 483/486.150 MHz.

7. IT IS FURTHER ORDERED that this *Order of Modification* SHALL BE SENT by certified mail, return receipt requested, to Pappamal Wellington Kurian at the following addresses: 3705 Misty Fall St., Las Vegas, NV 89129, and 10345 Dunster Castle Dr., Las Vegas, NV 89135.

8. This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331.

FEDERAL COMMUNICATION COMMISSION

Scot Stone  
Deputy Chief, Mobility Division  
Wireless Telecommunications Bureau